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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,917	02/27/2004	Randall Jenkins	D-1212	7493
28995	7590	05/20/2005	EXAMINER	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			PAIK, STEVE S	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/788,917	<b>Applicant(s)</b> JENKINS ET AL	
	<b>Examiner</b> Steven S. Paik	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 45-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 49, 59 and 66 is/are allowed.
- 6) ☒ Claim(s) 1, 45-48, 50-58, 60-65 and 67-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Receipt is acknowledged of the Amendment filed on March 01, 2005. The Applicant amended claims 49, 59, and 66.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 45, 46, 50-52, 56, 60-65, and 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zerman (US 2002/0071244A1) in view of Oda (JP 11015972A).

Re claims 1, 51, 52, 56, 60, 69, and 70, Zerman discloses an automated teller machine (ATM) comprising components interior of the ATM. The components are, for example, a cash dispenser 52 having a cash cassette 54, a modem 56 for communication, a printer, a distribution board and a motherboard. The motherboard performs the thinking for the ATM. The ATM owner or operator must have access to the components located interior of the ATM in order to maintain a continuous service to its users without having an interruption of service. The ATM uses passwords to maintain security and differentiate a level of security of the machine. However, a security system using a password or a personal identification number is not as secure as a security system using a biometric data of a user/operator or both the biometric data and a password.

Zerman is silent about other types of security system as recited in the present application.

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Oda discloses an iris photography apparatus for use during safety lock release, Internet accessing, ATM transaction by judging whether iris pattern recognized from photographed iris image, corresponds with iris pattern of operator stored beforehand. The apparatus comprises, among other things, a database (memory storing iris patterns of authorized operators of an ATM), a camera (an image pick-up unit 13), and image-recognition software (an iris collation unit judging whether the pattern stored in the memory matches with recognized pattern obviously includes a software with an iris pattern comparison function.).

In view of Oda's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ an iris photography apparatus in addition to the ATM of Zerman due to the fact that that more improved and secured access control of a security area can be accomplished for the purposes of improving the levels of security by selectively granting the access to the highly secured area.

Re claims 45 and 46, Zerman in view of Oda discloses the apparatus as recited in rejected claim 1 stated above, further including an automated banking machine (ATM 10), wherein the automated banking machine includes an automated banking machine component, wherein the component comprises a security container including at least one currency cassette (54).

Re claim 50, Zerman in view of Oda discloses the apparatus as recited in rejected claim 45 stated above, wherein the automated banking machine includes the security system (iris photography apparatus).

Method claims 61-63 and 67 are essentially the same in scope as apparatus claim 1 and are rejected similarly.

Method claims 64, 65 and 68 are essentially the same in scope as apparatus claims 45 and 46 and are rejected similarly.

4. Claims 47, 48, 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zerman (US 2002/0071244A1) as modified by Oda (JP 11015972A) as applied to claim 46 above, and further in view of Coutts (US 5,563,393).

The teachings of Zerman in view of Oda have been discussed above, with the exception of having the security container including a lock control device.

Coutts discloses a plurality of automated teller machines (ATMs) in an ATM network (Fig. 1). Each of the ATM (10) includes a plurality of currency cassettes (col. 6, ll. 8-10) for holding supplies of currency notes. Each of cassettes includes at least one data indicator (cassette present sensors 42 and cassette low sensors 44) indicating data representative of a characteristic of cassette currency (presence of currency cassette and detection of the supply level of currency quantity in the cassette). The ATM further includes at least one cassette reader (interface device 12) for remotely reading the data of a data indicator (any of data indicators 22-44) without contact therebetween.

In view of Coutts, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate aforesaid ATM comprising, among other things, a currency cassette with a plurality of data indicators in addition to the teachings of Zerman in view of Oda due to the fact that more simplified and secured access control of a security area can be accomplished for the purposes of improving the levels of security by selectively granting the access to the highly secured area.

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5. Claims 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zerman (US 2002/0071244A1) as modified by Oda (JP 11015972A) as applied to claim 46 above, and further in view of Heath, Jr. (US 5,451,757).

Re claims 53-55, Zerman in view of Oda discloses an ATM comprising a security system for an improved security access control.

However, neither Zerman nor Oda specifically discloses storing the data and time of attempted and granted access to the interior of the component and using a serial number for further authentication.

Heath Jr. discloses a system for authorizing access to a secured device, such as an automated teller machine (ATM) or a pay telephone, without a key or combination for the secured device, and without a fixed communication link extending to the device. Furthermore, The ATM can maintain a historical file of all attempts to access the vault, whether granted or disallowed. If a loss occurs, one can consult the historical file for the loss activity. This information may also predict problems arising from repeated attempts to access the vault. And this access information can include verification that access was allowed, the date and time of such allowance, and the time that the access was terminated, i.e., that the technician closed and relocked the vault door 52. The technician also uses a serial number of portable equipment for gaining access to the ATM. As previously mentioned, the historical file of all attempts and grants of the ATM system undoubtedly minimizes the risk of unauthorized access of the ATM.

Therefore, it would have been obvious at the time the invention was made to a person having of ordinary skill in the art to incorporate the teaching of Heath, Jr. such as saving all the historical file of all attempted and granted access and using the serial number information of a

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portable equipment into the teachings of Zerman in view of Oda for the purpose of maximizing the security of granting access to a secured area by storing all the historical information of attempted and granted access to ATMs.

***Allowable Subject Matter***

6. Claims 49, 59, and 66 are allowable.

3The following is a statement of reasons for the indication of allowable subject matter: none of the cited references, taken alone or in combination, discloses, teaches, or fairly suggests the recited features of a lock control device requiring entry of multiple combinations to permit access to the interior of a security container within an automated banking machine wherein at least one processor is operative to reduce the number of required combinations responsive to a positive determination.

***Response to Arguments***

7. Applicant's arguments filed March 1, 2005 have been fully considered but they are not persuasive.

**Rejections under 35 U.S.C. § 103 (a)**

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would

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have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

The applicant's remark states that the Office Action admits that Zerman is silent about the recited security system (p. 17, line 1). The applicant continues to argue by asking a question, "Where does Zerman teach or suggest a security system that can "restrict access to the interior," especially where the security system includes the recited database, camera, image recognition software, and the processor?" in the first paragraph on page 17. As the Office Action clearly discusses, the recited database, camera, image recognition software, and the processor are disclosed in Oda's teaching (A reference introduced to cure the deficiency of Zerman). Both Zerman's and Oda's inventions are analogous art because they disclose automated teller machines (ATMs) and method of using the same.

In view of above discussion, claims 1, 45-48, 50-58, 60-65, and 67-70 remain rejected under 35 U.S.C. § 103(a) and claims 49, 59, and 66 are found to be in condition for allowance.



***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Steven S. Paik  
Primary Examiner  
Art Unit 2876

ssp